

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

309A0422

HOUSE BILL NO. 1150

Introduced by: Representatives Wetz, Brooks, Gabriel, Jaspers, Koskan, Madden, McNenny, Napoli, Richter, and Wick and Senators Aker, Everist, and Whiting

1 FOR AN ACT ENTITLED, An Act to repeal certain landfill disposal bans.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 34A-6-67 be repealed.

4 ~~— 34A-6-67. In achieving the waste reduction goals provided for under § 34A-6-60, every~~
5 ~~municipality or other political subdivision responsible for solid waste management shall~~
6 ~~implement the following landfill waste reduction targets in accordance with the following~~
7 ~~implementation dates:~~

8 ~~— (1) — Beginning on January 1, 1995, all yard wastes shall be eliminated from landfilled~~
9 ~~wastes;~~

10 ~~— (2) — Beginning July 1, 1995, all lead acid batteries and waste motor oil shall be eliminated~~
11 ~~from landfilled wastes;~~

12 ~~— (3) — Beginning on January 1, 1996, all white good appliances shall be eliminated from~~
13 ~~landfilled wastes;~~

14 ~~— (4) — Beginning on July 1, 1996, all office and computer paper shall be eliminated from~~
15 ~~landfill wastes;~~

1 ~~—(5)— Beginning on January 1, 1997, all printed paper products and corrugated cardboard~~
2 ~~shall be eliminated from landfill wastes; and~~

3 ~~—(6)— Beginning on July 1, 1997, all containers made from glass, plastic, aluminum or steel~~
4 ~~shall be eliminated from landfill wastes.~~

5 ~~—Every municipality or other political subdivision responsible for solid waste management shall~~
6 ~~comply with each of these landfill waste reduction targets. However, if the governing body, after~~
7 ~~open meeting and allowing public input, makes a resolution finding that recycling of the solid~~
8 ~~waste in a manner consistent with the reduction targets provided by this section is unavailable,~~
9 ~~the governing body may by ordinance exempt the political subdivision from any of the waste~~
10 ~~reduction targets provided by this section. The term, unavailable, means that recycling is~~
11 ~~determined by the governing body to cost more than the true and total cost of unsubsidized~~
12 ~~landfilling, including long-term costs of all options analyzed in the waste evaluation.~~

13 ~~—The governing body shall review any determination made under this section at least once~~
14 ~~every two years if it determines that recycling is unavailable. The determination required by this~~
15 ~~section regarding recycling shall be made separately for each subdivision of this section.~~

16 ~~—Any resolution exempting a political subdivision from a landfill waste reduction target shall~~
17 ~~be subject to a referendum of the voters of the municipality or political subdivision. Referendum~~
18 ~~procedures shall conform to the provisions of chapter 9-20.~~